

REMARKS

Claims 1 and 2 remain pending in the present application. Claim 2 has been amended. Basis for the amendments can be found throughout the specification, drawings and claims as originally filed.

Rejection Under 35 U.S.C. §103(a)

The Examiner has rejected Claims 1 and 2 under 35 U.S.C §103(a) as being unpatentable over Saito et al in view of Hatagishi et al, as well as Saito et al in view of LaCroix. The Examiner alleges that these two combinations would render applicants' invention obvious to those skilled in the art.

Claim 1 defines a connection structure between a bus bar and a relay terminal. The bus bar is produced from an aluminum-based metal material. The relay is like those commonly found in the art which have copper connectors. The bus bar is welded to the relay terminal. The welded connection is embedded in a molded insulation resin.

None of the art cited by the Examiner discloses or suggests an aluminum-based metal bus bar. None of the art cited by the Examiner discuss the welding of a relay terminal and an aluminum-based bus bar. Further, none of the references illustrate the welded connection embedded in insulation resin or grease surrounding the welded connection.

The Saito reference, relied on by the Examiner, illustrates the connection between a bus bar 16 and bus bars 20 or 30a of a fuse and relay module, respectively, and not to a relay terminal. Accordingly, Saito discloses only a bus bar to bus bar connection and does not disclose the connection between a bus bar and a relay terminal. The Hatagishi et al reference, cited by the

Examiner, fails to disclose or suggest the utilization of resin material at the connection between a bus bar and a terminal. The connection 22 suggested by the Examiner, is the connection of the wire and its terminal. This is not the connection between two terminals. The connection between the two terminals occurs at 21. This is the portion of the terminal where the resin is prohibited from entering. Thus, the Hatagishi reference neither discloses nor suggests application of a molded resin between a bus bar and a terminal.

Claim 2 has been amended to further define that the grease is applied to and surrounds the welded connection parts between the bus bar and the relay terminal. The Saito and LaCroix references fail to disclose or suggest such a feature. Accordingly, Applicants believe Claim 2 to be patently distinct over the art cited by the Examiner.

Further, Applicants assert that the Examiner is misapplying the references. The Examiner alleges that it would have been obvious to use an aluminum-based metal but fails to disclose or suggest any reference which teaches such an aluminum connection.

“In proceedings before the Patent and Trademark Office, the Examiner bears the burden of establishing a *prima facie* case of obviousness based upon the prior art.” In re: Piaseiko, 223 U.S.P.Q. 785, 787, 788 (Fed. Cir. 1984).

The mere fact that the prior art may be modified in a manner suggested by the Examiner does not make the modification obvious unless prior art suggests the desirability of the modification. In re: Fritch, 23 U.S.P.Q. 2d, 1780 at 1783 (Fed. Cir. 1982).

Here, the Examiner alleges that Saito and Hatagishi et al would render Applicants’ invention unpatentable. First, as mentioned above, the Examiner relies upon Saito. Saito fails to disclose or suggest aluminum-based metal bus bars. Further, Saito fails to disclose or suggest the welding of bus bars with relay terminals. As mentioned at best, Saito discloses the welding of two similar bus bars.

The Hatagishi reference discloses the addition of resin to cover a wire connection with a terminal. Nowhere does it disclose or suggest the embedding of a terminal to a bus bar connection nor does it disclose or suggest the embedding of a welded connection into a resinous material.

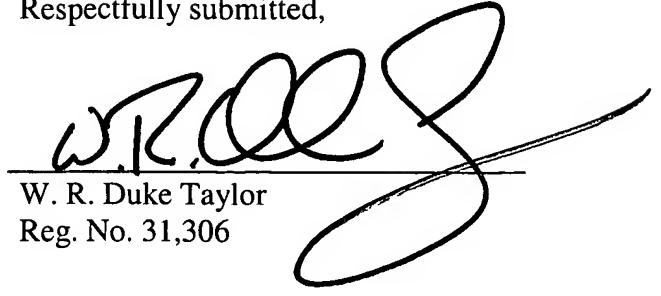
“The Examiner is relying upon hindsight to arrive at the determination of obviousness. It is impermissible to use the claimed invention as an instruction manual or template to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that ‘one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.’” In re: Fritsch, supra 1784.

Here, the Examiner has used the combination to allegedly render Applicant’s invention obvious. The Examiner has pieced together these two references with his naked assertions to allegedly render the invention obvious. It is clear that the examiner cannot use hindsight reconstruction to pick and choose isolated elements in the prior art to deprecate the claimed invention. There is no motivation or suggestion in either the Saito or Hatagishi references to suggest the embedding of a welded connection, between a bus bar and a relay terminal, into a resinous material. Further, neither reference discloses or teaches the aluminum material. Hatagishi discloses the embedding of a wire with its terminal and not embedding a bus bar and terminal connection as claimed by Applicants. In fact, Hatagishi teaches away from allowing the resinous material to contact the area where the two terminals are to be connected. Accordingly, neither reference discloses or suggests Applicants’ invention. Accordingly, Applicants believe claims 1 and 2 to be patently distinct over the art cited by the Examiner.

In light of the above amendments and remarks, Applicants submit that all pending claims are in condition for allowance. Accordingly, Applicants respectfully request the Examiner to pass the case to issue at his earliest possible convenience. Should the Examiner have any

questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,

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